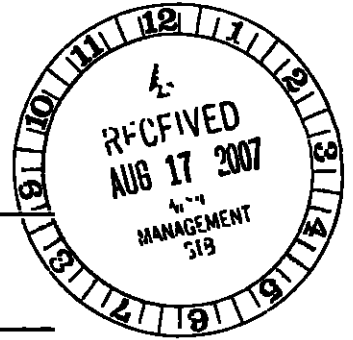


220061

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB DOCKET NO. AB-290 (Sub- No. 293X)

**NORFOLK SOUTHERN RAILWAY COMPANY
ABANDONMENT EXEMPTION
NORFOLK AND VIRGINIA BEACH, VIRGINIA**

ENTERED
Office of Proceedings
AUG 17 2007
Part of
Public Record

NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE

1. James Riffin ("Riffin"), a Class III carrier, pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his formal Notice of Intent to File an Offer of Financial Assistance, to purchase from the Norfolk Southern Railway Company ("NSR") that portion of a line of railroad between Mileposts VB 0.12 and VB 15.46 in Norfolk and Virginia Beach, Virginia ("Line"), which line of railroad is the subject of the above entitled proceeding.

2. Riffin is a financially responsible person. Riffin has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

3. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), Riffin requests NSR provide Riffin and the Board with the information specified in 49 CFR 1152.27 (a), and the following additional information:

A. NSR's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment;

B. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements NSR, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements NSR has, or contemplates having, involving the State of Virginia, any other Virginia State or Local agency or entity, hereinafter "State of Virginia," or any other individual or legal entity.

b. A copy of all papers, documents or agreements NSR has received, has in its possession, or has knowledge of, which pertain in any way to any agreements any present, former or potential shipper, have made which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s) any shipper on the Line has made with the State of Virginia.

C. Any other information which relates to NSR's present or prior use of the Line, including but not limited to:

a. The number of times the Line was used in the past five years, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

b. The number of times the Line was unavailable for NSR's use in the past five years, and the reason(s) why the Line was unavailable;

c. The date the Line was taken out-of-service, if the Line was taken out of service;

d. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

e. Which switches on the Line NSR train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

f. A summary of all disagreements, misunderstandings, or points of contention between NSR and the State of Virginia or any other party or entity, concerning NSR's use of the Line during the past five years;

g. An indication of where Riffin would interchange rail traffic with NSR;

h. A copy of a proposed interchange agreement;

D. A copy of all valuation maps for the Line, and if not depicted on the Valuation Map(s), a listing of all deed references showing NSR's legal interests in the Line.

Respectfully submitted,



James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2007, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Railway Company, Law Department, Three Commercial Place, Norfolk, VA 23510.



James Riffin